

# Constitutional Provisions and Laws

Protecting the Rights of Vulnerable Groups

# Rights of Scheduled Castes and Scheduled Tribes

- Social Rights and safeguards
- Educational/Economic Rights
- Service Rights and safeguards
- Political Rights and Safeguards
- Administrative Rights and Safeguards

# Social Rights

- Abolishment of Untouchability and its practice in any form (Art 17)
- Trafficking and forced labour (Art 23)
- Hindu religious institutions are open to all classes and sections of Hindus
- Right to move freely and to reside in any part of the country can be restricted to protect the interests of STs

# Educational/Economic Rights

- State shall promote with special care the educational and economic interests of SCs and STs and shall protect them from social injustice and all forms of exploitation. (Art.46)
- State can make special provision regarding the admission to educational institutions including private institutions except minority institutions

# Service Rights and Safeguards

- Provision for reservation in promotions to any services under the State in favor of SCs and STs.
- Claims of SCs and STs will be taken into consideration in making appointments to the public services of the Centre and States

# Political Rights and Safeguards

- Reservation of Seats for SCs and STs in Lok Sabha, State Legislative Assemblies, Panchayat and offices of Chairpersons in Panchayat and in Municipality

## Administrative Rights

- Special Schedules no. 5 and 6 have been included in the Constitution for the administration of Scheduled Areas and STs. They recognize special rights of the local people and the governments in tribal areas

# Legal Rights

- Protection of Civil Rights Act, 1955
- SCs and STs (Prevention of Atrocities) Act, 1989
- Bonded Labour System (Abolition) Act, 1976: identification and release of bonded labourers and liquidation of debt
- Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
- ST and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Provisions of Panchyats (Extension to Scheduled Areas), Act, 1996 (PESA)

# SCs and STs (Prevention of Atrocities) Act, 1989

- Defines Atrocities and prescribes punishment for the same
- Punishment for public servants neglecting their duties
- Creates new types of offences not in IPC
- Provides for the creation of Special Courts to try offences under this Act
- Provides for compensation , rehabilitation for victims of atrocities
- It also directs the government to set up a periodic monitoring system at district, State and National level.



# Constitutional Rights of Women

- State shall not discriminate against any citizen on the grounds of sex.
- State is empowered to make affirmative discrimination in favour of women
- Traffic in human beings and forced labour is prohibited
- The right to adequate means to livelihood (economic right- extends to both men and women)
- State shall make provisions for securing just and humane conditions of work and maternity relief
- 1/3 of the total seats reserved for women in Municipalities and Panchayats

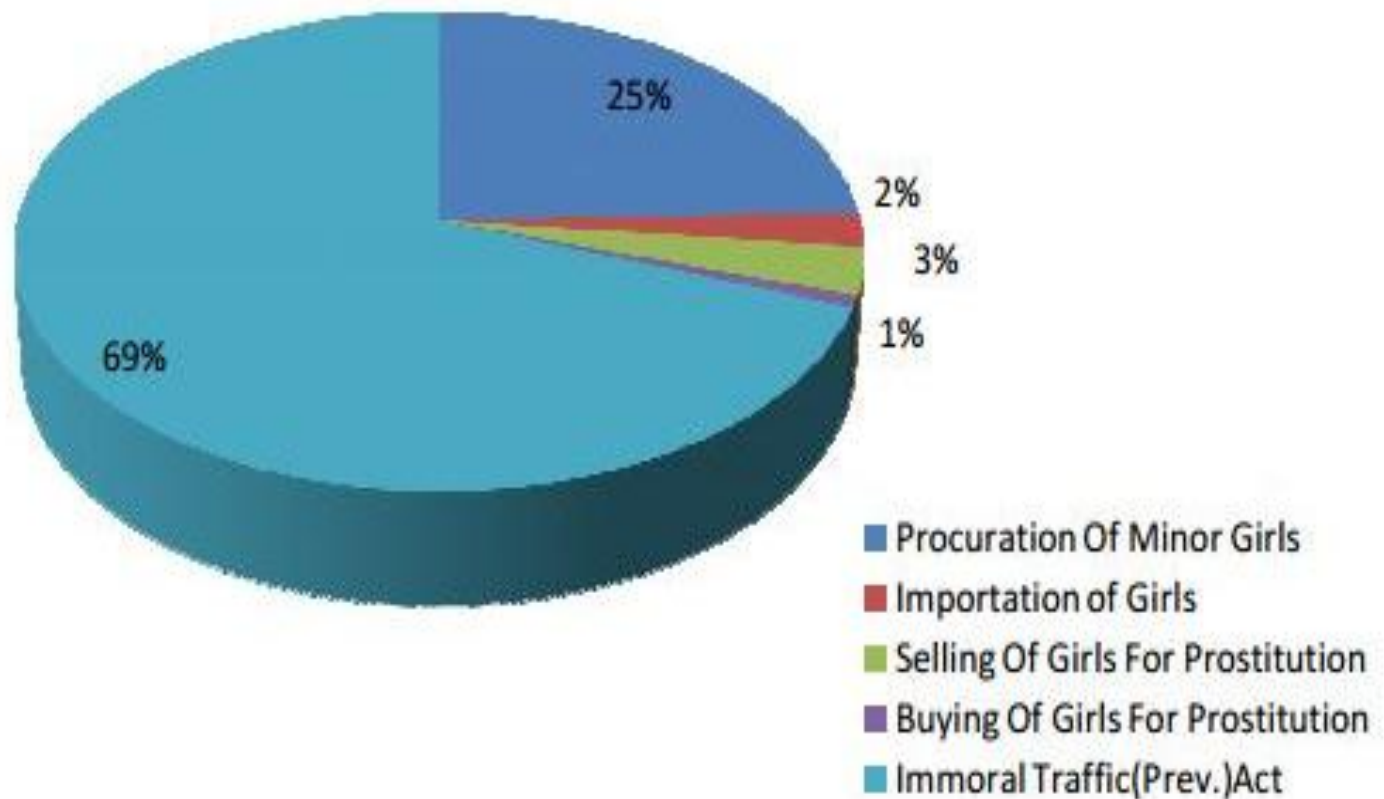
# Legal Rights of Women

- Protection of Women from Domestic Violence Act (2005): Case can be filed against not just the husband but his relatives as well. It also covers the women who may or may not be the legal wives of the aggrieved . It ensures speedy justice as the court has to start its proceedings and first hearing has to be within 3 days of filing complaint.
- Indecent Representation of Women (Prohibition) Act,1986
- Maternity Benefit Act, 1961
- Equal Remuneration Act, 1971
- Vishakha Guidelines

# Rights of Children

- State shall provide free and compulsory education to all children of the age of 6 to 14 years: Right to Free and Compulsory Education Act, 2009
- No child shall be employed in any factory, mine or any other hazardous occupation
- Children of tender age are not abused
- Prohibition of Child Marriage Act, 2006
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Child Labour (Prohibition and Regulation) Act, 1986

## Head wise contribution in Human Trafficking (2011) - India



# Rights of Minorities

- Central Government has identified 5 minority communities: Sikhs, Christians, Muslims, Buddhists and Zoroastrians
- Right to conserve language, script, culture.
- Admission to educational institutions
- To establish educational institutions
- Aid to institutions

# Rights of People with Disabilities

- Establishment of National trust for welfare of persons with autism, cerebral palsy, other disabilities.
- Rehabilitation council of India
- Mental Health Act, 1987: regulates admission of mentally ill persons to psychiatric hospitals and protects the rights of such persons while being detained
- Legal services Authorities Act, 1987

# Rights of People with Disabilities

- Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act 1995
- Obligation of the Government:
  - Prevention and Early Detection of disabilities
  - Providing affirmative actions programmes in providing aids and appliances to persons with disabilities
  - Providing equality in education and employment
  - Removing physical barriers

# Rights of Elderly

- Maintenance and Welfare of Parents and Senior Citizens Act, 2007- Provisions
  - Maintenance of senior citizens has been made obligatory
  - Revocation of transfer of properties
  - Establishment of old age homes
  - Penal provisions for abandonment of senior citizens





*Thank You.....*

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